REMARKS

The applicant respectfully request reconsideration in view of the amendments and the following remarks. The applicant has amended claims 4-7 and 14 as suggested by the Examiner. The applicant has rewritten claims 3 into the independent form and included the definition of aromatic from claims 14 but deleted biphenyl from the definition of the specific aromatic compounds described in claim 14. The applicant has amended claim 14 and deleted "biphenyl" from the definition of "R". Support for newly added claim 38 can be found in claims 1, 3 and 11. Support for newly added claim 39 can be found in claim 30. The applicant included the formulas in claim 39. No new matter has been added. The applicant added two claims (claims 38 and 39) and cancelled two claims (claims 1 and 30). No fee is required for the amendment to the claims.

The applicant affirm their election of Group I, claims 1-4, 8-14, 22-24 and 34 with traverse. Applicants respectfully traverse the Restriction requirement because the U.S. Patent and Trademark Office has not carried forward its burden of proof to establish distinctness.

In particular, MPEP § 803 states:

> If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area.

Accordingly, Applicants respectfully traverse the outstanding Election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

The applicant believes that all the claims should be rejoined. The applicant has essentially four independent claims (claims 3, 25, 27 and 38). Claims 25 and 27 have been restricted out. The applicant amended the independent claim 3 and claim 3 requires that R requires a group that is not a biphenyl group. Claims 25 and 27 have the same definition of R as claim 3. Again, the applicant respectfully requests that all the claims be rejoined.

Claims 4-7 and 14 were objected to. Claims 4 and 8 are rejected under 35 U.S.C. 112 as being indefinite to for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-4, 8, 11-14, 22-24, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2004/0062930 A1 ("Roberts"). Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts as applied in claim 4 and in view of WO 03/074628 A ("Maxted"). Claims 1, 3, 4, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0093005 A1 ("Sohn") in view of US 2003/0017361 A1 ("Thompson"). The applicant respectfully traverses these rejections.

35 U.S.C. 112 Rejection

Claims 4 and 8 are rejected under 35 U.S.C. 112 as being indefinite to for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant believes that these claims as amended are in compliance with 35 U.S.C. 112. For the above reasons, this rejection should be withdrawn.

Rejections Over Roberts

Claims 1-4, 8, 11-14, 22-24, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Roberts. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts as applied in claim 4 and in view of Maxted.

Roberts explicitly discloses only polymers having dicarbazole units having aromatic groups (containing a biphenyl group) between the two carbazole groups (see formula XCII in US 2004/0062930 A1 and formula KLCBPI in WO 03/074628 A1).

The applicant has essentially four independent claims (claims 3, 25, 27 and 38). The applicant amended the independent claim 3 and claim 3 requires that R requires a group that is not a biphenyl group. Independent claims 25 and 27 have the same definition of R as claim 3. The applicant's claimed invention of claim 3 now excludes the formula XCII of Roberts. The applicant has deleted biphenyl from the definition of R.

With respect to independent claim 38, the applicant has rewritten claim 3 into independent form but keep the broader definition of R. However, the applicant has incorporated claim 11 into claim 38 with the exception of only requiring that the polymer is selected from the group consisting of ortho-phenylene, 9,10-anthracenylene, 2,7-phenanthrenylene, 1,6-pyrene, 2,7-pyrene, 4,9-pyrene, 2,7-tetrahydropyrene, oxadiazolylene, 2,5-thiophenylene, 2,5-pyrrolylene, 2,5-furanylene, 2,5-pyridylene, 2,5-pyrimidinylene, 5,8-quinolinylene, spiro-9,9'-bifluorene and heteroindenofluorine. The applicant does not believe that these groups are taught by Roberts. The Examiner stated at page 5 of the Office Action with respect to claim 11 that Roberts taught structural elements of the polymer asr selected from the groups meta-or para-

phenylene, 1,4-naphthylene, fluorenes, or indenofluorenes. These groups are not required for independent claim 38. For the above reasons, these rejections should be withdrawn.

Rejection Over Sohn in View of Thompson

Claims 1, 3, 4, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sohn in view of Thompson.

As the Examiner has correctly recognized Sohn does not disclose the triplet emitter mixed with the polymer. It is noted that Sohn issued as U.S. Patent No. 6,824,892.

However, the polymer disclosed by Sohn is not related to the applicant's claimed invention because of the definition of "n" in Sohn. Sohn does not disclose the definition of "n". The Examiner in the prosecution of Sohn also noted that "n" was not defined. It appears that the definition of "n" is linked to the number average molecular weight of the polymer is about 10,000 to about 1,000,000. This was also agued by Sohn. The applicant in the prosecution in Sohn stated that the Sohn application had support for "n" from 30 to 3,000 (see pages 10 and 11 of the applicant's response attached at the end of this amendment). This was calculated based on the number average molecular weight. Clearly, there is no disclosure in Sohn that "n" is 2. A possible way to manipulate Sohn to the applicant's formula (I) is if n is 2. Again, Sohn does not disclose that n is 2 and in fact, as stated above, Sohn discloses in the prosecution that the minimum value for "n" is 30. If n is 30, then there would be 30 carbazole units. The Examiner will note that in the issued patent of Sohn (U.S. 6,824,895) that "n" in the claims is defined by number average molecular weight being about 10,000 to 1,000,000.

Again, Sohn does not disclose a triplett emitter, let alone a triplett emitter mixed with a polymer as acknowledged by the Examiner. For these reasons, Sohn is not related to the applicant's claimed invention.

Furthermore, claim 38 has the features of claim 11 incorporated into the claim. It is noted that claim 11 was not included in this rejection. For this reason alone, claim 11 is patentable over these references. For the above reasons this rejection should be withdrawn.

No additional fee is due. Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 14113-00033-US from which the undersigned is authorized to draw.

Dated: October 28, 2008

Respectfully submitted,

Electronic signature: /Ashley I. Pezzner/
Ashley I. Pezzner
Registration No.: 35,646
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P. O. Box 2207
Wilmington, Delaware 19899-2207
(302) 658-9141
(302) 658-5614 (Fax)
Attorney for Applicant